584

THE

MYSORE GAZETTE.

Vol. XXXII.] Published by Authority. [No. 9.

BANGALORE, THURSDAY, MARCH 4, 1897.

PART II.

NOTIFICATIONS BY GOVT. OF INDIA, RESIDENT, CHIEF COURT, &c.

Notification No. 323 *of the Resident in Mysore, dated, Bangalore, the* 23*rd January* 1897.

The following rules to regulate the qualification, admission, enrolment, suspension and dismissal of Advocates and Pleaders in the Civil and Military Station of Bangalore, having been sanctioned by the Government of India, are published for general information, in supersession of those published with the Notification of the Resident in Mysore, No. 11, dated 4th January 1896 :—

1. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for another in any Court in the Civil and Military Station of Bangalore, unless he has been enrolled as an Advocate or Pleader under these rules :

Provided that any person accused before any Criminal Court of an offence may, with the permission of the Court, but not otherwise, appoint any person to assist him in his defence :

Provided further that any person, ex-officio or otherwise, authorized to act for Government in respect of any judicial proceeding, may make, and do appearances, acts, and applications, within the scope of his authority on behalf of Government.

2. Advocates and 1st Grade Pleaders enrolled in accordance with the rules heretofore in force shall be deemed to be Advocates and Pleaders respectively enrolled under these rules.

3. Advocates shall be entitled to appear, plead and act in the Court of the Resident in Mysore and in all Courts in the Civil and Military Station of Bangalore subordinate thereto, whether Civil or Criminal.

4. Pleaders shall be entitled to appear, plead and act in all the Courts in the Civil and Military Station of Bangalore, whether Civil or Criminal, except the Court of the Resident in Mysore.

5. Notwithstanding anything herein contained, Pleaders of the 2nd Grade enrolled in accordance with the rules heretofore in force may continue to practise in the Courts in which they are entitled to practise under those rules ; but for the purposes of Rules 9 to 17 they shall be deemed to be Pleaders enrolled under these rules.

6. The following persons are qualified for admission as Advocates of the Court of the Resident in Mysore :—

(*a*) Any person who has been enrolled as and is an Advocate of the Chief Court of Mysore under the Mysore Legal Practitioners' Regulation III of 1884.

(*b*) Any Barrister of any of the Inns of Court in England or Ireland, or any Member of the Faculty of Advocates in Scotland.

(*c*) An Advocate, Vakil or Attorney of any of the High Courts of Judicature in British India.

(*d*) Any person who has obtained the degree of Master of Laws or Bachelor of Laws in any British or Indian University, and who produces a certificate of respectability and of good moral conduct.

7. The following persons are qualified for admission as Pleaders :—
   (*a*) Any person who has been enrolled as and is a Pleader of the 1st Grade in Mysore, under the Mysore Legal Practitioners' Regulation III of 1884.
   (*b*) Any person who has passed the examination prescribed by the High Court of Madras for Pleaders of the 1st Grade and who produces a certificate of respectability and of good moral conduct.
8. Every person duly qualified under Rule 6, or 7 may apply to the Court of the Resident in Mysore to be admitted under these rules as an Advocate or as a Pleader as the case may be. The application shall be accompanied by certificates proving the qualifications of the applicant under these rules.

   Provided that where the application is for admission as an Advocate, the applicant shall have given at least one month's previous notice in three successive issues of one of the local English news papers or in such other mode as may from time to time be prescribed by the Resident in Mysore.

   The Resident in Mysore may, *if he thinks fit*, grant the application, and on the application being granted, the name of the Advocate or of the Pleader, shall be entered in the roll of Advocates or Pleaders, which shall be kept in the Court of the Resident, and an extract from the roll shall be furnished to the applicant, and to the Court or Courts in which he is authorized to practise.
9. The Resident in Mysore may suspend or dismiss any Advocate or Pleader enrolled under the foregoing rules, who is convicted of any criminal offence implying a defect of character, which unfits him to be an Advocate or Pleader, or who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty.
10. If any Advocate or Pleader practising in the Resident's Court or in any Court subordinate thereto, is charged in such Court with fraudulent or grossly improper conduct in the discharge of his professional duty, the Judge of the Court shall cause a formal charge to be drawn up, setting forth concisely and exactly the alleged misconduct, and shall send a copy of the charge to the said Advocate or Pleader, and also a notice that on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Advocate or Pleader at least ten days before the day so appointed. On such day, or any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge by the Advocate or Pleader, and shall proceed to adjudicate upon the charge.
11. If the Judge is the Judge of the Court subordinate to the Resident's Court, and he finds the charge established, and considers that the Advocate or Pleader should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Resident's Court, and that Court shall proceed to acquit, suspend or dismiss the Advocate or Pleader
12. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the District Magistrate, shall be submitted through the District Judge or through the District Magistrate, as the case may be, who shall append to the report any remarks that he may think necessary and an expression of his own opinion of the case.
13. The District Judge or the District Magistrate may, pending the investigation and orders of the Resident's Court, suspend any Pleader charged before him or before any Court or Magistrate subordinate to him.
14. The Resident's Court, in any case in which an Advocate or Pleader has been acquitted otherwise than by an order of its own, may call for the record and pass such order thereon as it deem fit.
15. The Resident's Court may also direct that any charge preferred against an Advocate or Pleader in any Court subordinate to it, shall be transferred for adjudication to itself or to any other Court of equal or superior grade to that in which the charge is preferred.
16. The suspension of any Advocate or Pleader shall be noted in the roll of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all Courts subordinate to that Court.
17. The name of any Advocate or Pleader dismissed under the foregoing provisions shall be struck off the roll of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all Courts subordinate to that Court.

By Order,

K. D. ERSKINE, CAPTAIN,
First Assistant to the Resident.

FINANCIAL DEPARTMENT.

Circular No. 1868, *dated* 23*rd February* 1897.

To—The Heads of Departments.

The Comptroller has the honor to invite the attention of the Heads of Department to this office Circular No. 1844, dated 20th January 1896, and to request the immediate transmission of their Budget Estimates of Receipts and Disbursements for the year 1897-98 in the prescribed printed form, which may be had on application from the Government Stationery Department.

Particular attention is requested to the Memo of Instructions given in the above Circular as regards the preparation of the Budgets.

F. R. SUPPIAH, *Comptroller.*